

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2019/60/92646/W

Site Address: Spurn Point, Manchester Road, Linthwaite,
Huddersfield, HD7 5RF

Description: Outline application for erection of residential
development

Recommending Officer: Adam Walker

DECISION – Conditional outline permission

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Victor Grayson

AUTHORISED OFFICER

Date: 28-Jan-2020

Decision Authorisation – Committee Decision

Committee: Huddersfield Sub Committee

Date of Committee: 17/12/2019

Application Number: 2019/92646

Officer Recommendation:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

Committee Decision: As per officer recommendation. Reserved matters submission to be reported back to sub-committee for determination

The applicant's agent has agreed to the pre-commencement conditions.

Conditions and Reasons

1. Approval of the details of the scale, layout, appearance, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development commences.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

This pre-commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, layout, appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the

case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. Details of “scale” submitted pursuant to condition 2 shall include details of existing and proposed ground levels and proposed finished floor levels of the development.

Reason: In the interests of visual and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

6. The wall to the site frontage shall be set back to the rear of the proposed visibility splays (as shown on approved drawing number 19D23-9901 Rev P04) and the visibility splays cleared of all obstructions to visibility before development commences.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

7. No development shall take place until details of the siting, design, structural calculations and material to be used in the construction of retaining walls/structures near or abutting any highway have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be brought into use until the approved works have been constructed in accordance with the approved details. The works shall thereafter be retained as such.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway. This in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

8. No development shall take place until details of the junction and associated highway works between the approved point of access and the A62 Manchester Road have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved details. The junction shall thereafter be retained as such.

Reason: To ensure that suitable access is available for the development in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

9. No development shall take place until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of

sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

10. Details of storage and access for collection of wastes from the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied. The approved bin storage and collection points shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: In the interests of amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

11. All private vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government and Environment Agency's "Guidance on the permeable surfacing of front gardens (parking areas)" document published 13/05/2009 (ISBN 9781409804864) as amended or superseded. The parking areas shall be surfaced as such before the dwelling to which they relate is first occupied and thereafter retained.

Reason: In the interests of highway safety and to mitigate flood risk and to accord with Policies LP21 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

12. A Construction Management Plan (CMP) including details of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority before development commences. The CMP shall include details of the times of use of the access, construction workers' parking facilities, and a scheme to demonstrate how the highway will be kept clear of mud/debris. All construction arrangements shall be carried out in accordance with the approved CMP throughout the period of construction.

Reason: In the interests of highway safety and amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

13. A survey of the existing condition of the highway on Manchester Road within the immediate vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings and white lining. A further survey of the highway shall be carried out prior to the occupation of the final dwelling and a scheme to remedy any defects in the condition of the highway associated with the carrying out of the development submitted to and approved in writing by the Local Planning Authority prior to the occupation of the final dwelling. The scheme of remedial

works so approved shall be completed within two months of the final dwelling being occupied.

Reason: To ensure the construction of the development does not adversely impact on the public highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

14. Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision; and
- methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place for that phase and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

15. Any reserved matters of “layout” submitted pursuant to condition 1 shall be accompanied by the following information:

- a) A surface water drainage strategy that includes the proposed discharge point, discharge rate (including associated calculations and details of on-site attenuation) and surface water drainage layout with appropriate stand-off distances between drainage infrastructure and buildings;
- b) Details of flow routing to manage flows in channel, exceedance events and blockage scenarios (overland flow) for on-site systems and the surrounding area in both directions and flood risk associated with the above ground flow routes;
- c) Details of any existing drainage systems to be maintained/diverted/abandoned;
- d) A scheme detailing separate systems of foul and surface water drainage for the development, including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision

- e) A detailed maintenance and management regime for any existing drainage systems to be maintained/diverted/abandoned together with the proposed foul and surface drainage water systems for the proposed development; and
- f) A flood risk assessment of the site based on the change in the vulnerability classification of the development (i.e. commercial to residential) and parts a, b, c, d, and e (above).

The resultant drainage information referred to in parts a, b, c, d, e and f of this condition shall inform the layout of the site and provide appropriate measures for flood risk management.

Reason: No drainage details have been provided with the application and it is necessary to demonstrate that the site can be adequately drained and flood risk mitigated when the “layout” of the site is considered. This is to accord with Policies LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

16. The development shall be carried out in accordance with the drainage scheme approved pursuant to condition 15. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the works comprising the approved scheme have been provided on site. The works comprising the approved scheme shall thereafter be retained and the approved maintenance and management regimes adhered to at all times.

Reason: In the interests of achieving satisfactory and sustainable drainage of the site and to mitigate flood risk. This is to accord with Policies LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

17. Development shall not commence until a scheme restricting the rate of surface water discharge from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify a discharge rate to be agreed in writing by the Local Planning Authority and shall be designed to attenuate flows generated by the critical 1 in 100 year storm events, with an appropriate allowance for climate change (30%). The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

18. Notwithstanding the submitted information, groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report)

has been submitted to and approved in writing by the Local Planning Authority.

Reason: The submitted Phase 1 report cannot be accepted because it is over ten years old. An up-to-date report is necessary to properly identify unacceptable risks to human health and the environment. This is to accord with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

19. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 18 a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To identify unacceptable risks to human health and the environment. This is to accord with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

20. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 19, no groundworks shall take place until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

21. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 20. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

22. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a

Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy (or the approved revised Remediation Strategy) and a Validation Report in respect of those remediation measures has been submitted to and approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment have been addressed and to accord with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

23. A report specifying the measures to be taken to protect the development from noise from Manchester Road adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commence. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The noise mitigation works so approved shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: To mitigate the impact of noise on the development in the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

24. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied. All recharging points shall thereafter be retained. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

Reason: To mitigate the impact of the development on air quality and to accord with Policy LP24 of the Kirklees Local Plan, the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

25. A Construction Environmental Management Plan (CEMP) to mitigate the impact of the development on the amenity of neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority before development commences. The CEMP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities; this should also include suitable restrictions on the hours of working on the site including times of deliveries;
- Dust arising from all construction related activities;
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The approved CEMP shall be adhered to throughout the construction of the development.

Reason: To mitigate the impact of the construction of the development on residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

26. Any reserved matters of “layout” submitted pursuant to condition 1 shall include a detailed survey of the existing trees adjacent to the northwestern and northeastern site boundaries demonstrating the relationship between the trees and the proposed development.

Reason: To enable the impact on adjacent mature trees to be properly assessed in the interests of visual and residential amenity and to accord with Policies LP24 and LP33 of the Kirklees Local Plan.

27. Any reserved matters of “layout” submitted pursuant to condition 1 shall include a Preliminary Ecological Appraisal (PEA) and an Ecological Impact Assessment (EclA). The PEA shall identify any important ecological features present (species or habitats) and shall identify any additional ecological survey work that may be necessary. The PEA (and any additional surveys) shall be used to inform the EclA which in turn shall be used to inform the proposed site layout. All surveys and assessment shall follow national good practice guidelines, where these exist.

Reason: To ensure the development avoids or minimises ecological effects where possible and provides an overall net biodiversity gain, in accordance with the requirements of chapter 15 of the National Planning Policy Framework, and Policy LP30 of the Kirklees Local Plan.

28. No development shall commence on the land until all persons with an interest in the land have entered into and completed a Section 106 agreement with the Council to provide planning obligations to the Council for the provision of financial contributions and/or works in kind in respect of the following matters:

- a) Affordable Housing: Arrangements for the provision of affordable housing to cover their number, type, layout, disposition, timescale and mechanism to ensure that the same are provided in perpetuity;
- b) Education: Arrangements for the provision of educational facilities to serve the needs of the development;
- c) Open Space: Arrangements for the provision of areas of public open space to serve the development to cover their layout, disposition,

timescale, availability and mechanism to ensure that the same is provided and made available to the public in perpetuity;

d) Sustainable Travel: Provisions to secure improvements to bus stop numbers 21716 and 19120 and other measures to improve and encourage the use of sustainable transport and Travel Plan monitoring arrangements;

e) Drainage: Arrangements to secure long term maintenance and management of surface water drainage infrastructure serving the development.

Reason: To ensure the delivery of the necessary infrastructure in accordance with Policies LP4, LP11, LP20, LP27, LP49 and LP63 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that such matters are addressed at an appropriate stage of the development process.

29. Within the first three months of any part of the development being brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to improve and encourage the use of sustainable transport. The measures shall include as a minimum:

- car sharing facilities;
- the introduction of working practices to reduce travel demand; and
- the provision of on-site cycle facilities and information.

The Travel Plan shall include details of when these measures will be introduced. To support the promotion of the use of sustainable modes the travel plan will also address: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; and a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter be implemented.

Reason: To comply with the Council's sustainability objectives and to accord with Policies LP3 and LP20 of the Kirklees Local Plan and the National Planning Policy Framework.

Note regarding condition 8: The details shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes and treatment of sight lines, together with an independent safety audit covering all aspects of the works.

Note regarding Yorkshire Water infrastructure: On the Statutory Sewer Map there is a 225mm and a 150mm diameter public combined sewer recorded to cross the western boundary of the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. Yorkshire Water will look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.

Note regarding construction activities: Noisy construction related activities should not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays and 08.00 to 13.00hours on Saturdays with no noisy activities on Sundays or Public Holidays. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	19D23-0101-P01	-	12/08/2019
Indicative Site Section	19D23-9902 P01	-	13/11/2019
Proposed Site Access & Indicative Site Layout	19D23-9901 P04	-	13/11/2019
Miscellaneous Supporting Information	Google image of proposed site entrance position	-	13/11/2019
Stage 1 Road Safety Audit	August 2019 1683	-	19/08/2019
Speed Survey (from Huddersfield)	Abacus Traffic Surveys 26/07/19	-	19/08/2019
Speed Survey (from Marsden)	Abacus Traffic Surveys 26/07/19	-	19/08/2019
Design and Access Statement	August 2019 – 19/D23	-	12/08/2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Additional information was provided to inform the highways assessment.

Report Dated: 23/01/2020

